

4A-122. Interim monthly income and expenses statement.

[For use with Rule 1-122 NMRA in the District Court]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Petitioner,

v.

No. _____

_____, Respondent.

INTERIM MONTHLY INCOME AND EXPENSES STATEMENT¹

(fixed percentage for child expenses)

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

I, _____ (*petitioner*) (*respondent*) state under penalty of perjury that
the following is true and correct at this time:

	Husband Column 1	Wife Column 2	Combined Column 3
1. Gross monthly income ²			
a. Gross monthly wages	\$_____	\$_____	\$_____
b. Rental income	\$_____	\$_____	\$_____
c. Self-employment income	\$_____	\$_____	\$_____
d. Dividends and interest	\$_____	\$_____	\$_____
e. Other income	\$_____	\$_____	\$_____
2. Total gross monthly income	\$_____	\$_____	\$_____
3. Payroll deductions ³			
a. Federal withholding	\$_____	\$_____	\$_____

b. State withholding	\$_____	\$_____	\$_____
c. Estimated tax payments	\$_____	\$_____	\$_____
d. FICA	\$_____	\$_____	\$_____
e. Medicare	\$_____	\$_____	\$_____
f. Health insurance	\$_____	\$_____	\$_____
g. Life and disability insurance	\$_____	\$_____	\$_____
h. Union dues	\$_____	\$_____	\$_____
i. Mandatory retirement	\$_____	\$_____	\$_____
j. Other_____	\$_____	\$_____	\$_____
4. Total payroll deductions (Add items in #3)	\$_____	\$_____	\$_____
5. Net monthly income (Subtract Line 4 from Line 2)	\$_____	\$_____	\$_____
6. Monthly fixed expenses ⁴ :			
a. Residence ⁵	\$_____	\$_____	\$_____
b. Utilities ⁶	\$_____	\$_____	\$_____
c. Car payments	\$_____	\$_____	\$_____
d. Insurance premiums	\$_____	\$_____	\$_____
(1) Car or other vehicle	\$_____	\$_____	\$_____
(2) Life ⁷	\$_____	\$_____	\$_____
(3) Health ⁷	\$_____	\$_____	\$_____
(4) Homeowners ⁸ or renters	\$_____	\$_____	\$_____
(5) Other	\$_____	\$_____	\$_____
e. Day care ⁹	\$_____	\$_____	\$_____
f. Credit card payments ¹⁰	\$_____	\$_____	\$_____

g. Loan payments	\$_____	\$_____	\$_____
h. Child support payments ¹¹	\$_____	\$_____	\$_____
i. Medical	\$_____	\$_____	\$_____
j. Other _____	\$_____	\$_____	\$_____
7. Total monthly fixed expenses (Add items in #6 and #7) ¹²	\$_____	\$_____	\$_____
8. Net spendable income (Line 5 minus Line 7)	\$_____	\$_____	\$_____
9. 1/2 of combined net spendable income (1/2 of Line 8 Column 3) ¹³	\$_____	\$_____	\$_____
10. Amount transferred and received ¹⁴	\$_____	\$_____	\$_____
11. Child support adjustment ¹⁵ (see table, Use Note 15)	\$_____	\$_____	\$_____
12. Total to be transferred ¹⁶	\$_____	\$_____	\$_____

Signature

Subscribed to and sworn to before me this _____ day of _____, _____, by
_____.

Notary Public

USE NOTES

1. This form is to be used with an Interim Order Allocating Income and Expenses, Domestic Relations Form 4A-123 NMRA. Unless, upon motion of a party, the court orders the division of separate income and expenses, only community income and expenses should be included on this form. In minimal or negative income cases, the court will have discretion to fashion an appropriate order.
2. "Gross monthly income" is income from all sources except child support received from

a prior court order. For self-employed individuals, gross monthly income means gross receipts less reasonable and ordinary business expenses. For varying income and expenses use the average of the last three (3) months' income and expenses.

Gross monthly income is to be computed by using one of the following: hourly wage x average hours worked per week x 52 divided by 12; weekly wage x 52 divided by 12; every two weeks wage x 26 divided by 12; twice monthly x 2. For varying wages, use the average of the last three months' income.

3. "Deductions" are payroll deductions for taxes, social security, health insurance, union dues, retirement and other employer-related deductions. Payroll deductions are to be computed on a monthly basis as described in Use Note 2.
4. "Monthly fixed expenses" include periodic expenses even though paid quarterly, semiannually or yearly. Fixed expenses are to be computed on a monthly basis by using one of the following: annual income or expenses divided by 12. For varying expenses, use the average of the last three months' receipts or expenses.
5. Residence fixed expense is mortgage or rent actually paid. If a party receives free rent, *e.g.*, by living with parents, that party's rent is imputed as zero. If residence expense is a mortgage payment for the residence of a party, unless already separately stated, include insurance and taxes.
6. Include monthly average payments for gas, electricity, water, sewer, refuse and basic telephone bill, if not paid as part of rent. Use average for last 12 months if known.
7. Do not include medical, dental, liability, life or other insurance that is deducted by payroll deduction.
8. Do not include homeowners insurance premiums if the premium is included as part of the residence expense, Line 6(a).
9. Day care fixed expense is work-related day care and does not include baby-sitting or occasional day care.
10. "Credit card payments" is listed as a fixed expense and includes only the minimum monthly payment as of the date of the filing of the petition.
11. Any regular monthly payment ordered by a prior order of child support or alimony, which is actually paid, is a fixed expense.
12. Line 8. "Net spendable income" and "combined net spendable income" are determined by subtracting Line 7, "total monthly fixed expenses", from Line 5, "net monthly income".

Negative combined net spendable income. If the "combined net spendable income" (Line 8, Column 3) is a negative number, and there are no children, adjust the

allocations of income or expenses between the parties, or transfer an amount from one party to another so that the amount of net spendable income for the "Husband" and "wife" on Line 9 is equal. Do not complete Lines 10, 11 and 12. If Line 8, Column 3 has a negative or minimal "combined net spendable income", and there are children, the court will need to fashion an appropriate form to divide interim income and expenses of the parties.

13. Line 9. Equalizing spendable income. If "net spendable income" on Line 8, Column 3, is a positive number, divide "combined net spendable income" by two and enter the result in each column of Line 9.
14. Line 10. Amount transferred and received. The party with the larger net spendable income will transfer an equalizing amount to the party with the smaller net spendable income. To determine the amount of the transfer or receipt, subtract Line 9 (one-half of combined net spendable income) from Line 8, "net spendable income" and enter the amount on Line 10. This is the amount to be transferred by the party with the larger net spendable income to the party with the lower net spendable income.

For example, if the husband has a net spendable income of \$1,000.00 per month and the wife has a net spendable income of \$500.00 per month, divide the total, \$1,500.00, by two. Since the husband has the larger net spendable income, enter the result, \$750.00, on Line 9, under Column 1. To determine the amount the husband transfers, subtract Line 9 of Column 1 from Line 8 of Column 1 (\$1,000.00 minus \$750.00 = \$250.00) and this amount (\$250.00) will be transferred each month by the husband to the wife.

15. Line 11. Children. If Line 8, Column 3, is a positive number, an adjustment for child support is made by multiplying the amount on Line 8, Column 3 (combined "net spendable income") by the applicable percentage in the table below and enter the amount in the party column of the party with primary custody of the child or children. Do not count children who are covered by a prior child support order.

One child	10%
Two children	15%
Three children	19%
Four children	22%
Five children	25%
Six children	28%

If more than six children, add three percent (3%) for each additional child.

For example, if the combined "net spendable income" of husband and wife (Column 3, Line 8, is \$1,500.00) and there is one child multiply, Column 3, Line 8, (\$1,500.00 by ten percent (10%)) and enter the result, (\$150.00), on Line 11 in the husband and wife columns.

16. Line 12. Total amount transferred. Line 11 is used to adjust the amount to be transferred by a party or received by a party on Line 10 by the parties. Using the

example in Use Notes 14 and 15, if there is one child and the combined net spendable income of the parties is \$1,500.00, an adjustment of ten percent (10%) of \$1,500.00 (\$150.00) is made for child support. If the wife has primary custody, she will receive another \$150.00. If the husband has primary custody, subtract \$150.00 from the amount the wife is to receive on Line 10. Using the example in Use Notes 14 and 15, if the wife has primary custody, the husband will transfer \$400.00 to the wife. If the husband has primary custody, the husband will transfer \$100.00 to the wife.

[Approved, effective November 1, 2000 until November 1, 2001; approved, effective November 1, 2001.]